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Bestiality and the Law

A RESUME OF THE LAW AND PUNISHMENTS FOR BESTIALITY WITH TYPICAL CASES FROM FIFTEENTH CENTURY TO THE PRESENT

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I

INTRODUCTION

Law and the Church, two immense institutions which have for centuries permitted overgrown children to indulge their fairs for petty officialism by continually and without challenge meddling with the indubitably personal and private affairs of the individual under the ægis of the accepted but wholly unsubstantiated sacrosanctity of these institutions, have since remote times been one in stringently condemning and indefatigably prosecuting bestiality (in the majority of cases with torturous death) without ever once having the courage or the decency openly and plainly to discuss and describe the crime which they so unhesitatingly took upon themselves to punish to the limit. These characteristics are apparently ingrained for they manifest themselves yet today: the law, prodded on by prurient busybodies, constantly prosecutes and obtains convictions for "obscenity" without ever bothering to define the term and is apparently not even aware of any inconsistency; while quite recently an archbishop heading a portion of the Church-instituted "Legion of Decency" movement for "cleaner" films had the audacity when interviewed by the press as to his program to preface his remarks with the clear admission that never once in his life had he seen a movie! But so it is with professional virtue and all who work at purity for a fat salary.

But let us return to our immediate subject. Much can be found in law that bears upon bestiality, but very little that touches it directly and clearly. Therefore, in searching for data concerning bestiality, the one place that one may feel fairly certain of not finding any is under that term. And definition is really not at all difficult; we may describe bestiality very nicely as follows: Any sort of manipulation or action indulged in by man, woman, or child, involving in any way any kind of animal and having for its object the gratification or, broadly, the excitation of sexual desire, is to be classed in the category of practices known as bestiality.

This seems ridiculously simple to the non-legal mind. To be sure, the plain, unpretentious but entirely descriptive word *bestiality* has little oratorical value as compared to the thunderous and ringing possibilities of some such rhetorical contraption as *abominable and detestable crime against nature*, to the accompaniment of which the prosecutor may grandly beat his breast, bang the table or jury-rail, and make his hair spiral fetchingly above his inspired brow like the nimbus of an avenging angel, instrument of divine retribution.

But despite stern law's maidenly hesitancy in facing the ugly "facts of life," face them it must somehow. This it does by a sort of verbal keeping of its fingers crossed, killing, or at least stunning, many embarrassing little birdies with one faltering stone. It utilizes the term *sodomy* (which definitely means only anal coition) to cover almost every sort of sexual connection outside of normal copulation. Consequently, it is under this heading that we must search for our information on bestiality and carefully separate it from that pertaining to other sexual perversions and perversities.

The classical place to begin any such investigation is with Blackstone, and we now refer to him:

"What has been here observed (regarding the care of the judge and jury in not too hastily concluding the guilt of the accused), especially with regard to the manner of proof, which ought to be more clear in proportion as the crime is more detestable, may be applied to another offense of a still deeper malignity —the infamous *crime against nature*, committed either with man or beast; a crime which ought to be strictly and impartially proved, and then as strictly and impartially punished. But it is an offense of so dark a nature, so easily charged, and the negative so difficult to be proved, that the accusation should be clearly made out; for if false, it deserves a punishment inferior only to that of the crime itself.

"I will not act so disagreeable part, to my readers as well as myself, as to dwell any longer upon a subject the very mention of which is a disgrace to human nature. It will be more eligible to imitate, in this respect, the delicacy of our English law, which treats it in its very indictments as a crime not fit to be named: '*peccatum illud horribile, inter Christianos non nominandum.*' (The horrible crime not to be named among Christians.) A taciturnity observed likewise by the edict of Constantius and Constans: '*ubi scelus est id, quod non proficit scire, jubemus insurgere leges, armari jura gladio ultore, ut exquisitis poenis subdantur infames, qui sunt, vel qui futuri sunt rei.*' (Where that crime is found which it is unfit ever to know, we command the law to rise armed with an avenging sword, that the infamous men who are or shall in future be guilty of it may undergo the most severe punishment.) Which leads me to add a word concerning its punishment.

"This the voice of nature and of reason and the express law of God determined to be capital. Of which we have a signal instance long before the Jewish dispensation by the destruction of two cities by fire from heaven; so that this is a universal, not merely a provincial, precept. And our ancient law in some degree imitated this punishment by commanding such miscreants to be burned to death, though Fleta says they should be buried alive; either of which punishments was indifferently used for this crime among the ancient Goths. But now the general punishment of all felonies is the same, namely, by hanging. . . ."

All of which tells us very little. It is very easy to see that Blackstone would really much prefer not to be bothered with this ugly matter at all, and he would even favor allowing the judge to preserve his tender shell-pink ears by permitting him to condemn some poor ignorant peasant to death with a few resonant Latin phrases. Fortunately, succeeding years have brought just a bit more of clarity to this issue. In *Corpus Juris* (Vol. lviii) we find sodomy thusly defined:

"In its narrower sense sodomy is the carnal copulation between two male human beings per anus.

"In its broadest meaning, sodomy is the carnal copulation by human beings with each other against nature, or with a beast, in which sense it includes the crime against nature, bestiality, buggery, cunnilingus, and felatio.

"Sex is ordinarily immaterial to the commission of the crime."

This, while still far from being exact, at least exhibits a sense of the inadequacy of the term sodomy, a thing not too common. For example, H. R. Brill makes the word even broader:

"Sodomy or buggery was a felony at common law and consisted of sexual connection by a man or woman with a brute animal, or connection per anum by a man with any other man, or with a woman. Under the various statutes it is generally held that

the crime denounced may be committed per os as well as per anum. And some statutes expressly so provide, while still broader statutes include unnatural and lascivious acts with another person and, under such statutes, copulation is not a necessary element of the offense."

Determined by this, sodomy and mere "lewd behavior" would become practically synonymous. However, there are a few encouraging tendencies to more exact definition on this head, as for example the following of McKinney and Rich:

"The crime of sodomy, broadly and comprehensively speaking, consists of unnatural sexual relations as between persons of the same sex, or with beasts, or between persons of different sex, but in an unnatural manner. Originally, however, the crime of sodomy included only connection between two human beings of the male sex; the crime of unnatural sexual relations between man and beast being termed bestiality. While there are statutes in every jurisdiction punishing the crime of sodomy, most of them fail to define with any degree of certainty the manner in which the crime against nature may be committed. Therefore the rule applies that when a public offense has been declared by statute in the general terms of the common law, without more particular definition, and punishment provided therefor, the courts will resort to the common law for the particular acts constituting the offense."

This, I think, will be enough of all this fanning at the air the law indulges in merely to avoid clearly stating the simple fact that bestiality is sexual connection between a human being and a beast. We shall now see how the law considers it as a crime. In this it will, of course, again be grouped with sodomy, and turning once more to *Corpus Juris* we find:

"In General. Sodomy was a felony at common law punishable by death.

"Under the Statutes. Most of the states have enacted statutes defining and punishing the crime of sodomy, and these almost universally agree in making the offense a felony, and generally include within their provisions all acts of unnatural copulation whether with mankind or beast. Where statutes provide that no act shall be a crime if not made so by statute, sodomy is not a crime if omitted therefrom; and under a statute providing that no person shall be punished for any act or omission as a penal offense unless the offense is expressly defined by the written law of the state, it has been held that a statute providing that any person committing the abominable and detestable crime against nature is guilty of sodomy, does not define any crime which is punishable under the former provision; but, where it is not required that the offense be expressly defined, a statute providing for the punishment of the abominable and detestable crime against nature is sufficiently descriptive of a crime known to the common law."

It thus becomes apparent that there is still a deal of legal uncertainty concerning just what constitutes the crimes of bestiality and sodomy, and even their punishments. Perusing *Corpus Juris* yet further, we are able to discover a number of other interesting legal points having to do with the crime of bestiality. In substance they are:

That in the case of bestiality the question of assault does not enter.

That penetration per os did not constitute the crime of sodomy at common law, but under statutory provisions it may. (This would be of especial interest for bestiality, but the law apparently gives this no separate consideration.)

That penetration was an essential element of the crime of sodomy both at common law and under statutes defining and punishing the of-

fense. Thus, catching a person planning and even just on the point of committing bestiality establishes no legal guilt; penetration at least to some extent is a necessary element.

That the emission of seed has been variously held to have been essential or non-essential to the commission of the crime at common law, but that under statutory provisions it is very generally declared or held to be unnecessary to the commission of the offense.

The law as yet recognizes but very few extenuating circumstances for the crime of sodomy or bestiality, and applies these rather unintelligently. Drunkenness, it has been held, is not strictly a defense to the crime, but is defensive matter, which the accused must establish affirmatively by a preponderance of the evidence. Again, irresistible insane impulse is a defense to a prosecution for sodomy, and likewise mental disability is a defense if the accused was unable to comprehend the nature and consequences of the act. However, these things, even when they apply, serve only to lighten the gravity of the offense and the victim is still treated as a criminal—though less so—instead of as a sick man in need of attention. Herzog, in his *Medical Jurisprudence,* speaks to the point on this score:

> "It is necessary here to impress the fact that the true sexual pervert is not a master of his will; so that when perverted sexual practices are indulged in, as for example bestiality or sodomy, it will be necessary for the psychiatrist to differentiate between the person who acted through irresistible impulse denoting an insane mind and the one who acted through an impulse which may have been resisted, showing a depraved mind."

In other words, the law must learn to distinguish between perversion and perversity and to recognize that in the case of the former it is no concern of the law but of medicine.

In establishing guilt for the crime of bestiality, the burden of proof rests, naturally, with the state. According to *Corpus Juris*:

> "As in other criminal cases the burden is on the state to establish the guilt of accused by proving every essential element of the offense as charged. Thus penetration must be proved by the state, although to no particular depth. Since in most jurisdictions the emission of seed is unnecessary now to the consummation of the crime, proof of emission is unnecessary. An infant under 14 years of age has been conclusively presumed to be incapable of committing the crime."

This last point seems a bit odd when it is recalled with what frequency this practice has been indulged in by young boys, especially young farm lads.

Finally, there must be evidence for conviction of any crime. Reliable eye-witnesses, naturally, are always most indisputable, and for other admissible evidence let us turn again to Herzog:

> ". . . where dogs are used as the active agents in pedicatio, the dog, clinging to the back of the man with his claws, will frequently leave his marks in the form of scratches in parallel arrangement, on the back and hips of the man. Where the man played the active part, if the dog can be examined, the discovery of seminal fluid will be evidence of the part played by the dog, while in the man it may be possible to find fæcal matter on the penis, perhaps some under the prepuce, or perhaps some of the dog's hair or some of the dog's blood.
>
> "The same tests will also often give proof in other cases as to the bestial relations practiced. A microscopical examination of the matter found in the vagina of a horse or cow or sheep, of short hairs found on the penis of the suspect, or on the front of his trousers, of blood-stains, as perhaps also a precipitation test for

the differentiation of the blood, will frequently give positive proof of the guilt of the suspect."

And this will doubtless suffice to give a general notion of the law's envisagement of the act of bestiality as a crime. Let us now turn to a brief survey of the penalties that have been imposed for its punishment.

II

PENALTIES FOR BESTIALITY

The history of the punishments accorded bestiality is about the same as that for almost any other offense or crime. Going from age to age, from people to people, from country to country, we are able to find the penalties for almost any dereliction varying constantly from the merest formal censure to the utmost severity. Adultery has not infrequently been punishable by death, yet the Hindus find it so natural a thing that they demand *four* eye-witnesses for conviction. Honest debt not so long ago entailed a prison term, while today respectable bankruptcy has become something of a racket and requires little more than a lawyer's fee to be carried through. Time, place, and circumstance mean very nearly everything in very nearly every case: the soldier who coldly kills a hundred men on a battlefield is a hero, while he who kills another in a justifiable rage is a murderer. And so it has been with bestiality: from a capital crime, to a venial (and often where the Church has been concerned, a venal) offense, to a mere blameless mental aberration, back and forth its path has wandered.

Legal, set penalties for bestiality reach back into dim antiquity. Possibly our oldest records of this sort concern the ancient law of the Hebrews as set forth in the Old Testament. There we find (Exodus, xxii, 19) that: "Whosoever lieth with a beast shall surely be put to death;" and again (Lev., xx, 15-16): "And if a man lie with a beast, he shall surely be put to death; and we shall slay the beast. And if a woman approach unto any beast, and lie down thereto, thou shalt kill the woman and the beast; they shall surely be put to death; their blood *shall be* upon them." It is seen here that the animal and the human being were apparently deemed equally guilty since both were put to death, a notion that clung to the law on this matter until but a relatively short time ago. Further, it is quite likely that the Biblical death penalty for bestiality gave authority for similar severe sentences in later times. However, in Biblical times punitive deaths were usually achieved through stoning, while the jurisprudence of the Middle Ages, and later, almost invariably imposed death by burning. The basis for this fire penalty was undoubtedly the Scriptural account of the burning of the cities of Pentapolis by divine fire as the result of the prevalence there of sodomitic practices.

Thus, severe punishments for bestiality are of very ancient standing. However, it seems that a certain degree of civilization is requisite in order to establish enough horror for the act to prompt these extreme measures. Primitive man, perhaps because he lives so much closer to and feels somewhat akin to animals, apppears not to react in this same fashion. Malinowski, who studied the Trobrianders quite extensively, declares that they feel for the offender in such a matter only good-natured contempt, and that they regard the act as but a poor substitute for the normal act. Such practices, he tells us, are a subject for derision, tolerant or biting depending upon the mood, for bawdy jokes and humorous stories, and actual transgressions are punished by public contempt rather than by any definite legal measures.

In ancient Rome at the beginning legal retribution was exacted only for sodomy (under which bestiality was included) by a fine of 10,000

sesterces. Later bestiality was distinguished from sodomy and made punishable by death.

Charlemagne, in his *Capitularies*, also set the death penalty for this crime, drawing his inspiration for it probably from the Roman law. It is strange that the jurisprudence of later centuries seems to have ignored Roman law in this respect and to have gone all the way back to Hebraic law for their punishment, even as to its nature, namely, by burning. This is doubtless explained by the great expansion of Christianity during those times.

During the Middle Ages, the final penalty exacted for the crime of bestiality was usually but half the story. Once so unfortunate as to incur an accusation of bestiality, regardless of its truth (and some of the old court records plainly breathe forth nothing but malevolent spite of vengeful neighbors), the poor victim had little hope for a hearing on the merits of the case. Though there might be no eye-witnesses, or else a suspicious profusion of them with highly variant accounts, the unhappy fellow had little choice save to plead guilty at once and save himself wear and tear. Did he choose to defend himself and deny the charge, the court would at once order him put to the torture, and tortured he would be until at length he confessed if only to gain a momentary respite from torment.

Criminal law of this period admitted two sorts of torture: preparatory torture and definitive torture. Each of these was again divided into two sub-classes: ordinary torture and extraordinary torture, differing only in degree. Extraordinary torture was reserved for suspects of great guilt.

The tortures permitted varied from place to place. The Parliament of Paris admitted only torture by water and by the boots. The Parliament of Norceu allowed these also with the addition of torture by the thumb-screws, in which the victim's thumbs were placed in a kind of small screw-vice which was then clamped down to the point of cracking the bones. At Orleans, Besancon, and several other places, the Parliaments ordered judicial torture by means of the strappado, in which the prisoner would be tied to the end of a long rope (usually to his wrists behind his back), hoisted up, then dropped the length of the rope to a sudden stop. At Dieppe the accused was suspended by the nails with pincers. At Lyons sulphur matches were pushed between the nails and the flesh and lighted. At Metz sharp blades were inserted under the nails. At Autun boiling oil was poured upon the condemned. And at Avignon, which was a papal city and where, if anywhere, Christian charity and mercy should surely have dwelt, there was permitted the frightful torture of the *veglia*, which had been imported from Rome.

So inhuman was this veglia that it may be profitable to pause to describe it in order to illustrate the extremes of barbarity to which the courts of that time would resort in the interest of alleged justice. For this torture all the hair was shaved from the prisoner's body. A conical-shaped stake was set up in the center of the room, about three feet high, having rather a large base, perhaps in the neighborhood of a foot in diameter, and tapering to a point of a diameter of a half-inch or less. Five ropes were attached to the ceiling and four others came out from the four corners of the room, or similar appropriate places. The five ceiling ropes served to suspend the victim, one to each limb and one to his middle, and the side ropes were employed to steady his body and locate it directly over the pointed stake in a half-lying posture. The man was naked, of course. The ropes were then slacked off just sufficiently for the man's weight, or a good part of it, to be taken by the point of the stake in the man's anus. In addition flaming braziers were brought close so that the poor fellow would squirm and aggravate his plight. Confession to any misdeed whatsoever was practically guaranteed by this method.

After conviction had been achieved by one method or another,

sentence was passed. Contrary to what one might think, this was by no means uniform, but depended on a variety of factors: the culprit's position, his wealth, his connections, and the mood of the judge. The punishment had two main elements: capital and monetary. There were but rare exceptions to the death penalty for bestiality, and almost invariably it was by burning. At first the convict would be burned alive in intense agony. Later the courts took to ordering strangling along with the burning in order to lessen the victim's suffering, and sometimes even that he be strangled after merely "feeling the fire." Still later, as the courts and the Church (which played a large part in all these proceedings) very slowly became a trifle civilized, the strangling was ordered to take place before the burning and the fire would receive only the dead body of the transgressor. As a further indignity, the criminal's ashes or remains were frequently ordered scattered or thrown in a ditch, formal burial being denied. Often as not, the animal that had been employed in the act of bestiality was ordered to be burned in the same fire that consumed the man.

But death apparently was not enough to satisfy the terrible vengeance of those courts. Before going to his terrible death the man was many times ordered to do public penance, standing for long hours in the public square or before the church in penitential garb and holding a heavy wax taper in his hand, subject to the unrestrained scorn and derision of the populace.

And juridical retribution went yet farther. Over and above his torture and the penalties above listed, the condemned had yet to pay damages to the injured parties, that is to the person or persons owning the animal that had been bestialized. Further, since this beast was almost always destroyed along with the convicted man, this poor unfortunate had also to reimburse, and generously, the owner for the value of the animal. Naturally, if the *bougre* himself owned the creature these complications did not enter. Over and above all this, the prisoner was ordinarily assessed a fine payable to the king. Finally, the culprit's goods were commonly confiscated by the state. All in all, it certainly should have been a great lesson to the poor fellow.

By the time the 18th century rolled around there was a certain liberal tendency feebly at work in this matter. Death was still the common penalty, but it was imposed more mercifully. Every now and then we find the death penalty at the last moment remitted for some other mode of punishment. A famous example of this growing liberalism is Frederick the Great who, when he was called upon to sign the death warrant of one of his subjects convicted of carnal relations with a she-ass, refused to confirm the judgment and instead wrote at the bottom of the paper that "in his States he gave liberty of conscience and of c . . . ."

Another anecdote is related about Frederick in this same connection. One of his cavalrymen had been convicted of having sodomized a mare and the matter was brought to his attention. "This fellow is a pig," answered the king calmly, "he must be placed in the infantry."

However, this was not the first example of leniency on this score. Quite some time previously Pope John XII in an article of his apostolic tax had declared that the act of bestiality was redeemable in consideration of payment of 250 livres to the Church.

Amelioration has continued, as time progressed, in the severity of the penalties accorded bestiality until today they rarely amount to more than moderate prison terms. Among the Moors a man may do with impunity as he pleases with his own animal. In Andjra, according to Westermarck, if he has intercourse with another man's beast, the only consequence is for him to be compelled to buy the animal new shoes, a pack-saddle and new panniers. He must in addition feed it for a day, and if it becomes ill he has to pay the owner its price, since man's sperm is considered injurious to a female animal.

Present French legislation does not distinguish bestiality separately, but lumps it with other comparable offenses under the broad designation of *outrages to morality* and punishes them all uniformly with mild penalties. Even the French penal codes of 1791 and 1810 say nothing on this matter; it was apparently felt that the investigation necessary to such charges would cause too great public scandal, beside which winking the turpitude itself would be highly preferable.

English law seems to have been about alone in keeping, at least until recently, the death penalty for this crime. However, this sentence appears not to be imposed in practice. The German penal code of 1871 (revised 1876) declares in Article 175 that crimes against nature with animals shall be punished with imprisonment, the guilty person in addition being liable to deprivation of his civic rights. The Austrian code (before the war) called for imprisonment of six months to one year. The Hungarian code of 1878 carries the maximum penalty of one year imprisonment. The laws of most of the other European countries seem to hold silence on this score.

In the United States, as has previously been specified, the punishment for bestiality is that meted out for sodomy. This of course varies somewhat from jurisdiction to jurisdiction, but we may take our largest city, New York, as a fair example:

> "A person who carnally knows in any manner any animal or bird; or carnally knows any male or female person by the anus or by or with the mouth; or voluntarily submits to such carnal knowledge, or attempts sexual intercourse with a dead body is guilty of sodomy and is punishable with imprisonment for not more than 20 years."

It is very unusual, however, that the maximum sentence is ever imposed, two to five years being more customary.

Punishment for bestiality throughout the United States is a matter of individual state statute and takes the form of imprisonment or fine, or both. The term of imprisonment is regulated in some cases by a maximum and in others by a minimum limit. Where only the minimum is set, the maximum term that may be exacted is within the discretion of the trial court. Where the punishment is definitely determined by statute, the court has no choice but to conform strictly to it. Consequently, the actual penalty drawn by the person convicted of bestiality is subject to variation from state to state. I give the Missouri statute by way of illustration:

> "Every person who shall be convicted of the detestable and abominable crime against nature, committed with mankind or with beast, with the sexual organs or with the mouth, shall be punished by imprisonment in the penitentiary not less than two years." (R. S. Mo. 1929, Sec. 4262.)

With this we have just about summed up the substance of all the law has to say on the crime of bestiality. It remains now only to see how the courts comport themselves in actual instances of this dereliction, and for this we can do no better than to review in the remainder of this study various case histories and trials of persons accused of this practice.

III

COURT TRIALS FOR BESTIALITY

Among these trials, naturally, I shall include a few from this century, but also I shall go all the way back to the 15th century for some of my examples. These very old cases are French, and aside from the value they hold for us in connection with the study in hand, they perform the additional service of giving us a peculiarly intimate insight into peasant life of old France. The facts of the majority of these old cases are to be found in the archieves of the Bibliotheque Nationale of Paris, in an old manuscript drawn up by one Gueullette who had beeen Procureur to the king of France (and consequently had access to all the old records) and which apparently had at one time been intended to make part of an ambitious study of the whole of the civil and criminal justice of the old regime. The modern cases, of course, I draw from our legal records and reports.

1. Cases of the 15th Century

CASE OF GUILLAUME EDELINE — 1453

This is about the earliest recorded case of prosecution for bestiality upon which I can lay hand. Naturally, the details are a bit vague, but when it is recollected that this occurred before Columbus set sail for America, when he was still in his 'teens in fact, there would seem reason for lack of definiteness. As in most of these early trials the accusation is highly complicated, being mingled with charges of sorcery and witchcraft. Rabelais speaks of this man:

> "In the year 1453 a priest named Guillaume Edeline was sentenced, executed, mitred, and burned at Evreux as having made a pact with the Devil whom he had, he said, brutally kissed under the tail and on the fundament in paying his homage under the form of a sheep."

The facts, however, are reported slightly differently by Enguerrand de Monstrelet in his *Histoire et Chronique de France*:

> "A priest, a doctor and great preacher, named Guillaume Edeline, of the diocese of Evreux, under the episcopacy of Messire Guillaume de Flocques, confessed that he had given himself to the Devil in order to manage with a knightly lady over whom he had triumphed by magic, having long been together in criminal habitude, and that he had been several times actually transported to the Sabbat. His trial was carried out with the usual formalities, and on Sunday, on Christmas Eve of this year, he was condemned to perpetual imprisonment and to other canonical penalties. He further confessed that in his pact with the Devil he had promised him to preach openly that there were neither sorcerers nor magicians in order better to support his empire."

Lebeuf states that this man, who was also called Edelin or Hedelin, a doctor of theology and Augustine monk, who became prior of Saint-Germain-en-Laye, had been arrested at Evreux and that he had acknowledged "having attended the Sabbat, the consistory of the Evil

Spirits, and that he was transported by means of a broom on which he rode." This writer says that he was condemned only to dry bread and water in perpetuity.

CASE OF JEAN BEISSE — 1468

Jean Beisse, aged 24 years or thereabouts, a native of Greslart, parish of Marboc, near Chateaudun, and at present a laborer, living in the village of Megnanville, parish of Filace, married for three years, having been accused and convicted of having twice carnally known a cow that he had, and placed his member wihin its natural parts on two days following, and in order to do this took a saddle on which he mounted, which cow he afterwards sold, then, having found a dull-white she-goat in his courtyard, he had led it into his stable and placed his member in its natural parts and there expended part of his semen, but did not finish because the Ganille woman of the said Megnanville came upon them unexpectedly in the said stable. In order to do this he did not tie the goat, but only held it by the rear with his two hands. Besides this, having confessed that he had had habitation with another white she-goat with slightly reddish hair, in the said stable, and had placed his member in its natural parts, but had not expended his semen there because he had gone to close the door of the house adjoining the said stable out of fear that he be surprised in his crimes, he was condemned by sentence of Jehan Roncellet, lieutenant of the bailiff of Dunois, assisted by the lawyer, judge-advocate, and the receiver of M. le Comte de Dunois, and several others, to be led to the gallows and there be put to death, and to be burned and his body reduced to ashes, and likewise the said beasts to be burned apart and reduced to ashes, and his goods to be acquired and confiscated to the said Seigneur Comte. This sentence pronounced on Thursday, November 10, 1468..

2. Cases of the 16th Century

CAES OF GUILLAUME GARNIER — 1539

Guillaume Garnier, "clothed in iron-grey cloth," was, in company with a large black she-dog, prosecuted on March 14, 1539, before the *bailly* of Meaux. He was a man 39 years old. He was accused of the crime of sodomy with this dog, which belonged to him.

He at first denied the act. The dog had been given him very young; he had raised her and he loved her, but without, however, its replacing a wife for him. Before penal correction, Garnier denied what he had admitted in conversation with his friends.

The day of the preceding Mardi-gras, Garnier had said to Jean Durand "that he did not wish to marry nor even to have a mistress, since he had one that did not cost him any maintenance and who, at least, was true to him," and he admitted that this was his dog.

Garnier indulged in the same talk with Guillaume Bradefer and with Simon de Paule. These latter tried to represent to him "the magnitude of his crime," but Garnier persisted in repeating "that he was wronging no one, that this did no harm to his neighbor;" shaking his head he had added that "each man had his taste, and this was his."

Garnier, who scorned women so profoundly, did not disdain choosing them for confidants. One day in October, 1539, he asserted to Antoinette Bardon that his dog was "an inestimable treasure," and that if she knew its worth she would wish to possess one like it." Such words strongly excited the curiosity of the lady and she persistently pressed Guillaume Garnier to tell her in what way this dog served him and "what profit he was able to draw from it."

Garnier probably did not dare specify what services the dog rendered, so he got out of it by a deceitful tale. He related to the amazed gossip "that this dog conducted him every Saturday to the Sabbat, and that there the Devil gave him as much gold and silver as he wished."

Friday, April 15, Garnier underwent a new interrogatory. He threw himself at the feet of the *bailly* and asked for mercy, to which the *bailly* answered "that it was not in his power to give him mercy, but that he could have recourse against his sentence before Parliament."

Wednesday, April 20, 1539, before noon, after having conferred with the counsellor of the *Presidal,* the *bailly* condemned Garnier "to be burned alive, his goods confiscated to the profit of the king, with a hundred livres fine, and that the dog be killed and slain (*tuee et occise*) by the executioner and the body buried in the earth."

Conducted to the Conciergerie of the Palais to be heard on the appeal lodged by him, Guillaume Garnier appeared on Wednesday, June 7, before the *commissaire-rapporteur* and supplicated him to lessen his penalty, but the decree of the Parliament of Paris of August 13, 1539, confirmed the sentence and ordered only that Guillaume Garnier "after having felt a little fire," should be strangled. As for the dog, the court prescribed that it must be burned "together with the documents of the trial."

CASE OF JACQUES GION — 1550

In 1550 the Chateau of Chamarolles was a vast seigniorial dwelling surrounded by woods, meadows, and vineyards. Numerous domestics were attached to the governor and his family, but for the cultivating of the ground and the maintenance of the gardens the lord employed still more servants, working at the Chateau but living in the village. To be in the service of the Chateau was considered an honor by these simple people and, the house of the Seigneur being a revered place, any misdeed was aggravated by being committed there. Thus it may readily be imagined what must have been the scandal that burst forth on Thursday, February 23, 1550, when a man was surprised at the Chateau at 7 o'clock in the morning coupled with a beast.

Some job-hands who in going to their work were crossing the court of the Chateau, came upon a laborer of Chamarolles who, supported on a faggot, was committing bestiality with a cow.

Approaching, they recognized Jacques Gion. Indignant and scandalized in the highest degree, they seized the laborer, holding him firmly, and with the aid of the domestics brought running by their cries, they bound his arms and legs and locked him up until the arrival of the mounted police.

Then the complaints were heard. The witnesses: Charles Bouffain, a vine-dresser; Adrien Lejuge, a farmer's man, and Thomas Trousse recounted to the judge of Chamarolles what they had seen.

The inquiries were made, and after the appearance of Jacques Gion the judge of Chamarolles, by sentence of March 17, 1550, decreed that Jacques Gion should be "burned together with the cow and the faggot on which he was supported in order to commit the crime of buggery." It is of interest to note that in this case not only the cow, the unconscious accomplice, is condemned along with the guilty man, but also the faggot, having participated in the crime, is ordered to share the fate of the other parties to the act.

Jacques Gion gave evidence of great repentance and made solemn promises that he would never again fall into such an odious crime, but the judge, a strict observer of the law, remained untouched.

Friday, April 14, Gion was conducted into the prisons of the Conciergerie of the Palais, and on April 30 Parliament confirmed the sentence prescribing that he should be executed on the highway going to Poitiers, but that "through mercy and without lessening the consequences, he should be strangled before feeling the fire."

CASE OF MICHEL MORIN — 1553

Bestiality, as has often been shown, is in a great many instances, if not in the majority of them, resorted to by men in the absence of

women only as a sort of make-shift. Therefore, to find this aberration in a married man living with his wife is very unusual, and to find it in an old man of 65 years married to a young woman who, according to the records, was "pretty enough and well-rounded," is indeed extraordinary. The passion for bestiality seems to have arisen quite late in Michel Morin, without any earlier indications, and is obviously an example of true perversion, or of a plot against the old man.

The day after Saint Martin's of the year 1553, Michel Morin bought an ewe, and his wife, Catherine Aulard, surprised him in *flagrante delicto* with the beast. This deed was repeated on November 13, then on the 25th, and again on December 1.

Catherine Aulard, highly indignant, related to the neighbors what was going on under the conjugal roof, and these, espousing the cause of the outraged wife, carried complaint, with the result that on December 13 Michel Morin, "clothed in a red overcoat," was arrested, and on the next day he appeared before the judge and provost of Bauge.

Antoine Perrin, apothecary, testified that Catherine Aulard had said to him "that her husband had bought the ewe in order to enjoy it carnally." Jeannot, a boy assisting Morin with his work, knew that his master had bought the ewe for this purpose. This Jeannot, something of a gossip, moreover affirmed that Morin "had told him that he liked the ewe better than his wife."

Legal records of this period are notorious for their omission of essential facts, but it seems that the court made not the slightest pretense of making a fair inquiry for the old man. In the interrogation that he underwent on December 22, 1553, Michel Morin vigorously defended himself against having accomplished the bestial act of which he was accused. According to him, if he was "at this time before the judge it was by treason of his wife who thus wished his death in order later to marry Antoine Perrin." Morin argued moreover that the testimony was not admissible. Catherine Aulard was his wife and Jeannot was his servant; therefore neither was able to meet the conditions of the legal oath. As for Perrin, the relations that he maintained with Catherine Aulard sufficed to challenge his testimony.

In a new interrogation of Thursday, December 23, Michel Morin having always entered the same denials, the judge rendered sentence condemning him to undergo the torture in order that the truth might be known. All was made ready for the torture, but when Morin saw the boots in which his members were to be crushed and the mattress ready to receive his broken body, the old man begged to be spared and confessed "having in fact bought the ewe with the aforesaid intentions, but, however, having only once committed carnal copulation."

That such a confession was forthcoming is not in the least surprising. The sight of the preparations for torture would be ample to make most any one, let alone a harassed old man, admit anything. Further, the intrigue surrounding his prosecution would make it apparent to any intelligent person that this was only an attempt legally to do away with a troublesome old man.

But Provostial justice did not resort to much analysis; its inquiries were generally rapid, and the proceedings do not even contain such an essential document as a report of a medical examination of the man and the animal. Consequently, by sentence of January 15, 1554, Michel Morin was condemned to be hanged, strangled, and burned with the ewe, the sentence not specifying that the ewe be strangled. His goods were confiscated to the profit of his wife, but were levied of 100 livres penalty to the king. By decree of January 23 the Parliament of Paris confirmed this sentence.

CASE OF PIERRE POULAIN — 1561

Jacques Theraucourt, a farmer of Angondessus, in Picardie, for two years employed Pierre Poulain in the capacity of a shepherd. Poulain lived with his beasts more or less apart from the world, rarely mingling

with any of the villagers. The conquest of the girls of the farm being too difficult and costly for such a miserable fellow, he found solace among his flocks and put his choice on a red cow under his care.

This union was not able long to go on unperceived. The weaver Jean Rebule learned, in some unascertained manner, that Poulain had taken the cow to wife. He one day surprised him near the aforesaid cow in an unseemly attitude. Rebule was unsparing in his reproaches to the shepherd who promised to do it no more, but he nevertheless continued his unfortunate commerce.

Barthelemy Ognon, surgeon of the parish of Champcourt, once came to minister to the shepherd. In treating him, the practitioner recognized that the ailment could come only from the cow with which he knew Poulain was intimate.

Poulain had admitted his taste in this matter to several people, and he did not hesitate to affirm the same to the dyer Geoffroy Lesee; and in response to some observations this confidant passed Poulain declared that he would not barter his strange consort for the most beautiful girl of the village, or even of all Picardie.

These facts came to the knowledge of the law. Pierre Poulain was arrested and the judge of Angondessus condemned him, by sentence of July 2, 1561, to be hanged and strangled along with the cow, and in addition to pay his master 54 livres damage and interest for the price of the beast that the experts Isaac Serrau and Pierre Bonticourt had thus valued.

By decree of July 31, 1561, the Parliament of Paris confirmed the sentence, specifying that Poulain should be executed on the highway leading to Amiens, and that moreover his goods should be confiscated, with 10 livres penalty to the king.

3. Cases of the 17th Century

CASE OF CLAUDINE de CULAM — 1601

Claudine de Culam was a servant of Sieur Prieur de Reverecourt, living at Rognon or Saint-Lubin-de-Cravant. She was 16 years old when she was surprised by Nicolas Perentelle, a domestic of M. de Reverecourt. Entering the drawing-room of the chateau, the valet had found Claudine "lying on a couch" with a white dog, spotted with red, "engaged in carnally knowing her."

Upon seeing Nicolas Perentelle, Claudine at once "lowered her skirts" and tried to drive the dog away, but it "allowed no resistance to be made and with its muzzle raised the skirts" of the young girl.

Parentelle had at once seen what was going on. He came up and gave the dog such a violent kick that the animal fled "howling and seeming to limp." At this Claudine was very angry.

"Why do you beat my dog?" she exclaimed. "And why do you meddle in my affairs?"

Upon this Perentelle remarked to her "that it was indeed shameful for her to tuck up her skirts and indecently expose herself before everyone."

But Perentelle had not been the first to surprise Claudine in carnal relations with her dog. On August 25, 1601, on St. Louis day, the innkeeper, Master David Bonamy, had gone to the house of M. le Prieur de Reverecourt and in the court of the chateau he had surprised Claudine in carnal copulation with the dog. However, he had dared not talk with the Seigneur on such a "frightful thing," and instead had thought it his duty to notify Claudine's mother, Jeanne Dubois, widow of Claude de Culam, a gardener during his life.

The mother had at once given voice to indignant cries, maintaining that her daughter "was too well-behaved and too innocent" and that he was mistaken. Marie Neufbois, wife of Mathieu Gordin, marshal, having

come to the chateau around the end of August, 1601, had likewise seen Claudine play and trifle very indecently with the dog, and she had reprimanded her for it.

But Nicolas had been less discreet than the inn-keeper; soon all the menials of the chateau knew the story, then the masters, then the neighbors, with the outcome that on Saturday, September 11, 1601, Philippe Guedier, a sheriff's officer, escorted by Estienne Bridon, Simon Roger, and Regnault Galbouet, went to the Chateau de Reverecourt to arrest Claudine de Culam and carry her before the judge and bailiff of Rognon and Saint-Lubin-de-Cravant. This domiciliary visit had been preceded by a summons from the magistrate to which Claudine had not responded.

On Friday, September 17, Jeanne Dubois appeared before the judge. She defended her daughter who, according to her, was innocent and simple and devoid of any viciousness, saying "that apparently it was envy that made the witnesses speak." Perentelle, according to her, could not be a witness worthy of the name.He had been in love with Claudine who "had never wished to listen, so silly and foolish was he." The unhappy mother, seeking only to save her daughter, asked that she be examined by some "matrons and midwives."

The bailiff heard this request and named: Jeanne la Picarde, midwife, widow of Thomas Bachault; Genevieve Malnoye, wife of Andre Girard, apothecary; and Guillemette Bontemps, wife of Michel Francois Lebrun, surgeon.

The examination took place on September 20. The experts retired to a closed room with Claudine and the dog. The matrons had the young girl undress completely in order to examine her, and immediately the dog, not waiting to be put to the test, jumped upon her and went about knowing her carnally, "which he would perhaps have accomplished had we not prevented him," wrote the matrons in their official proceedings of the transaction.

Claudine, frightened by the punishment she now foresaw, sought a loop-hole by pretending to be of a "pregnancy of three months," but the bailiff had this assertion verified by the same experts who reported no evidence of pregnancy in her.

On Monday, October 4, the bailiff condemned Claudine de Culam to be burned alive and her goods confiscatd, with 10 livres penalty. On October 8 she was conducted to the prisons of the Conciergerie of the Palais to await the decree of the court of Parliament, and on October 15 she was returned to be hanged and strangled with the dog and their bodies to be reduced to ashes and then thrown to the winds.

CASE OF DIDIER LANGARAT — 1604

Fat Fanchon, a servant girl of Sieur de Sirvancourt, was passing on Wednesday. October 14, 1604, along the Rue Basfroi by the rear of the church of Joinville on her way to fetch her provisions, when she stopped short: in a recess of the buttresses a most singular scene was occurring which greatly interested the curious girl. A man, who seemed to be mounting a horse, was engaged in some lawless movements that appeared extraordinary to the curious servant. After having seen as best she could, Fanchon thought to understand and, withdrawing quietly, she went to call some witnesses to view this unusual spectacle.

Andre Dupont, master apothecary, Pierre Thourg, fellow-marshal, Bastien Languedoc, tannery workman, and Alexdre Dumontel, locksmith, were quickly gathered together by the gossip. They advanced cautiously along the walls of the church and were able to verify that the man was "coupled and in carnal and detestable copulation with a mare."

The man hearing them disengaged himself and attempted to flee, but the men overtook him and tried to seize him. The struggle was brisk and the tanner, Languedoc, received a kick on the leg removing "the live flesh down to the bone." But success was with the defenders of

morality and the fellow was captured, bound, and placed in the hands of the mounted police who led their prisoner before Jules-Henry d'Armause, squire, Sieur de la Berthe-Hironger and *bailly* of Joinville. Interrogated on the spot, he said his name was Didier Langarat, 37 years old, a native of Sancerre in the diocese of Bourges, and had arrived at Joinville only six months previously where he was exercising his calling of journeyman shoemaker in the shop of Etienne Taillard.

As for the accusation weighing against him, Langarat denied it completely, affirming that "having stopped to make water near the mare, several townspeople had hastened around him and had accused him of what he had never thought."

The *bailly* did not use torture to obtain confession "of the crime," the testimony sufficing for him to render sentence, and on Friday, October 3, 1604, Didier Langarat was condemned to be hanged and strangled on a gallows placed for this purpose in the main square of Joinville, his body burned with that of the mare, previously strangled, the ashes thrown to the winds, his goods confiscated, 10 livres penalty to the king, and 70 livres damage and interest to Nicolas Rousseau, a vine-dresser, the mare's owner.

The Parliament of Paris rejecting the appeal, by its decree of October 27, 1604, added that Langarat should be "conducted with a rope around his neck and holding in his hand a torch of yellow wax weighing two pounds, before the principal church of Joinville" and there should do public penance, declaring that "wickedly he had soiled and polluted the walls of the said church."

CASE OF PIERRE DUPIN — 1607

Annibal-Louis de Rompray, licentiate of laws and bailiff of La Chapelle, on Tuesday, June 17, 1607, received a complaint from Francois-Henriette Lelarge accusing her husband Pierre Dupin, an apothecary, of bestiality.

The next day the bailiff issued a warrant for the arrest, and Toussaint Bellamy, sergeant of the Criminal Lieutenant of the Short Robe of Paris, with the archers Jacques Huart, Michel Branillon, Ponce Regnard, and Jean-Francis Thibaud, incarcerated Pierre Dupin in the prison of La Chapelle.

On Wednesday, June 25, the witnesses made their depositions. They were Catherine Dutrop, wife of Vincent Roger, vine-dresser, living at Belleville; Regnault Pinchart, master locksmith, living at La Chapelle; and Martine-Genevieve Dubois, elder daughter of Romain-Jules Dubois, master tanner, also living at La Chapelle.

Pirre Dupin had been accused by his wife who could not have been unaware that the crime of bestiality was punishable by death and that in the event her husband was condemned she and her daughter Therese-Francoise Dupin would inherit his goods through confiscation. Thus, with one stroke she could relieve herself of her husband and assure herself of his property.

But Pierre Dupin had a brother, Francois-Joseph Dupin, a citizen of La Chapelle, who also coveted his brother's goods, or at least did not wish them to leave the family, so in order to circumvent his sister-in-law, whom he detested, he decided to defend his brother. For this devoted brother all means were fair to prevent the scheming wife from enriching herself at the expense of the Dupin boys.

After having thought long over methods of saving Pierre, the brother at last hit upon a plan that he believed to be certain of success and he formulated it in a petition that he addressed to the bailiff on Saturday, July 5. In a long bill he asked that his brother be subjected to a minute and conscientious examination by experts who would thus be able to recognize that Pierre Dupin, charged by his wife with having had evil commerce with a beast, was absolutely incapable of car-

nally knowing woman or beast, being impotent and unable to accomplish carnal copulation under any circumstances.

In his zeal the broher went farther. Pierre Dupin, he declared, was impotent even before his marriage with Francoise-Henriette Lelarge. Consequently, it was necessary that his marriage be annulled and the bastardy of Therese-Francoise Dupin be proclaimed. A decree of July 9 named as experts: Pierre Dutiroir, master surgeon, sworn at Paris and established at Saint-Cosme, Jean-Francois-Paul Noir, and Marc-Antoine Lefevre, doctor of the Faculty of Paris.

The learned personages came together on Saturday, July 12, and after having examined the accused, having "proved his capacities." declared that "he was, in truth, quite in condition to be able carnally to know, but not to engender, consequently he had well been able carnally to know his wife as well as the cow, but had not been able to cause the birth of Therese-Francoise Dupin."

This conclusion, naturally, drew protests from the daughter, and on Wednesday, July 16, she deposited a petition to the effect of having another investigation "in order to visit and examine" her father and render account of his condition and declare if he had been able "to engender the suppliant." A new decree of Thursday, July 17, named counter-experts. These were Florent Dumontot, doctor of the Faculty of Paris; Joseph-Nicolas Belluze, and Francois-Etienne Lambert, master surgeon established at Saint-Cosme. On Monday, July 21, after having "for a long time and over a space of two hours examined and inspected, carefully and at leisure, Pierre Dupin," these experts recognized him as "capable of carnal copulation and of having engendered the petitioner."

By sentence of August 2, 1607, M. de Rompray condemned Dupin to be hanged and strangled on a gibbet in the square of La Chapelle, then burned and his ashes thrown to the winds. His goods were confiscated, save 10 livres penalty to the king. The judge nonsuited Therese Dupin's petition and declared that she was not the daughter of the condemned.

The Parliament of Paris, by its decree of August 23, 1607, confirmed the sentence insofar as the punishment was concerned, but it did not share the views of the bailiff of La Chapelle on all points. It recognized Therese Dupin to be the daughter of Pierre Dupin "as being the most consistent with truth," without the said girl's "being able to be bothered or troubled in the possession of the goods" by her uncle Francois-Joseph Dupin or by her mother Francoise-Henriette "under any pretext whatever, not even under that of jointure and matrimonial convention that the woman Francoise-Henriette Lelarge would be able to demand, and of which she is forfeit."

CASE OF FRANCOIS BEAUPLED — 1611

On June 18, 1611, Marie-Genevieve Anquetil, widow of Toussaint Perault, in life a master tool-maker, deposited a complaint in the hands of the judge and bailiff of Laval against a weaver of this same city, Francois Beaupled, for "violences, brutalities, and ravishments" done against her daughter Catherine Perault, aged nine years.

Little Catherine, according to the reports, was a pretty and intelligent child who acquitted herself marvelously of the commissions and errands with which her mother entrusted her. Often even neighbor women came to ask her small services, and she was known as willing and clever. She was very serious for her age and she did not amuse herself by loitering in the streets of Laval, but with her errands accomplished she would return at once to her mother's house.

One day she was sent by a neighbor woman to get some thread at the shop of the weaver Francois Beaupled. The pretty child was very heartily welcomed. Beaupled gave her a cake, played with her, and embraced her several times, telling her that she was indeed nice and that he already loved her a great deal. Some neighbors came in and Beaupled, not being able to put his plans into execution that day, sent little

Catherine back telling her that he did not have the thread she wanted, but that tomorrow, without fail, he would have it for her.

The next day the child returned to the weaver's shop. As soon as she was in the room the fellow hurried to shut the door and, under pretext of playing, led the child into a dark room. There he took her in his arms and kissed her while holding her firmly to him, then throwing her down he half undressed her.

Badly frightened, Catherine wept and cried out for help, but the weaver beat her to make her keep silent and, the child unable to resist any further, he violated her "brutally."

The child had swooned. When she again came to herself in the weaver's chamber she wanted to run to her mother's house, but she felt such atrocious pain in all her members that she was barely able to walk. Only a few steps from the house of the weaver she met her mother who, worried at her long absence and having already sought her at all the neighbors', had remembered that the little girl was to return that day to the weaver's for the thread.

Her grief was great on seeing her child's condition and she wondered what could have happened when but a short time earlier the girl had been quite well. Taking Catherine in her arms she caried her home, undressed her in order to put her to bed, and then saw that the girl's chemise was full of blood and moisture. The child complained of pains in the stomach and nausea. The widow Perault called in the neighbors. One of them went for a surgeon who, after having examined Catherine, declared that she had been violated. Her little body carried the marks of the blows she had received.

The next morning the law was notified of this affair. The judge received the depositions of the widow Perault and of her friend the neighbor woman who had sent the child to the weaver's shop. A warrant was issued and Francois Beaupled was arrested on June 19..

The inquiry was begun, and new charges for indictment were brought against Beaupled. On Monday, July 2, a weaver, Simon Beaupreau, who had known Beaupled since his youth and had even worked a long time with him, made a deposition against his ex-friend confirmed by two witnesses: the handy-man Antoine Gervais and the wool-carder Pierre Blanchard.

Being friends together, they had been in the habit of meeting at the market of Laval and together making their sales and purchases. When there was a cattle fair they went there in order to become acquainted with the horse-dealers and farmers, and they had always succeeded in obtaining some orders for pieces of linen, but of animals there had been no question. Consequently, Simon Beaupreau and Antoine Gervais had been indeed surprised to see, at the fair of May 25, Beaupled put all his savings into the purchase of a black she-goat which he led home with a thousand cares.

However, they were not long in understanding that Beaupled made use of this goat, living carnally with it every day. They remonstrated with him, trying to make him understand the enormity of his crime, but Beaupled got angry and ceased seeing them. They had not wished to denounce him, having respect for their old friendship, but when they heard of the foul deed committed by him on little Catherine they hesitated no longer and related to the judge all they knew of his commerce with the black goat.

On Saturday, July 7, the judge of Laval received a petition by which Gerard Bonnetier, journeyman tailor, declared that his son Blaise-Gerard Bonnetier, aged 13 years, had suffered "rape and sodomy" at the hands of Francois on June 1 of the same year. Blaise-Gerard had been playing in the church square one Sunday after vespers with some other boys of his age and Beaupled had led him home with him on some pretext or other. The young boy had gone along readily enough as he had often seen the weaver at his father's home.

Hardly had they arrived in the weaver's house when the fellow seized the child and threatened him if he resisted. The boy, fearing that he might be killed, let the weaver work his will, but not without weeping for he was made to suffer much. On returning home he did not dare tell what had happened. He complained of feeling sick and went to bed without eating anything. Continuing pale and wan during the ensuing days, his mother became alarmed and ended by obtaining a complete confession, As a result, the father Bonnetier appeared before the judge, gave his testimony, and asked the condemnation of Beaupled and 1,000 livres damage and interest.

When Marie-Genevieve Anquetil learned of this, she decided to make the same request on behalf of her little daughter. In accordance with her request of Tuesday, July 10, the bailiff gave a decree naming Aufroy Leriche, surgeon, Francoise Housset, and Gillette Hortense for the purpose of examining little Catherine. The experts declared that the unfortunate girl was in danger of remaining crippled.

The sentence condemning Francois Beaupled to be hanged, strangled, and burned was pronounced by the bailiff of Laval on July 26. It was confirmed on August 18, 1611, by the Parliament of Paris, which specified that his ashes should be thrown in the river and his goods acquired and forfeited in equal portions to the profit of Blaise-Gerard Bonnetier and Catherine Perault, with 10 livres penalty, however, having been reserved for the king.

CASE OF CHARLES BASSE — 1624

Charles Basse was a merchant of Corbie. He was married to a good and industrious wife and he had always led a regular life both in his business and his household. Unfortunately, the wife fell gravely ill and in a few days was carried away. The widower showed himself hard hit: he became taciturn, avoiding gatherings at taverns and the feasts on holidays. The grief of being forever separated from his beloved wife had a strange effect on him, producing a dislike for all women, and in order to satisfy his physical needs he replaced his legitimate spouse by a she-ass which he bought for this purpose and with which "he cohabited daily."

Basse employed two helpers, Adrien Tourmente and Michel de Maillefaix, who became aware of the unusual conduct of their employer. In the morning when they arrived at work they more than once surprised the master butcher leaving the stable where the she-ass was kept; he would be in his shirt, his feet bare in his wooden shoes, and a cotton cap pulled down over his ears. Several times during the day the butcher would go in the stable to pet his she-ass, calling it by such endearing names as suitors lavish on their sweethearts.

Adrien Tourmente, more mischievous and curious than his comrade, one evening hid himself in the courtyard of the house and saw his master enter the stable with his lantern and shut the door after having looked about to see if any neighbor was watching. The boy then left his hiding place with great caution and by climbing upon a wagon was able to look through a vent-hole and spy upon what his employer was doing. He was unable clearly to make out the scene, but he saw the butcher take of his breeches and set about carnally knowing the beast. Quite some time transpired, during which Tourmente heard sighs and groans. Fearing to be surprised by his employer, he came down from the roof and hid himself behind some faggots.

The butcher must have remained in the stable all night, for the next day at dawn when the helpers arrived for work they saw him coming out of it. They talked it over between themselves and, disgusted at such a shameful vice, they resolved to go to the bailiff and tell him the whole story.

The butcher also had in his service a woman named Elisabeth Coyaume, wife of Claude Bergon, who had surprised Basse with the

she-ass, but fearing the anger of her master she had fled before he had been able to recognize her.

One day a neighbor woman, Jeanne Mondetour, wife of Adrien Tourmente, came to the butcher shop looking for her husband, but the two helpers had not yet returned from their round of the city. The servant woman being alone in the house, the two women chattered on together. While so doing they saw Charles Basse return to the house, but instead of entering his shop or his bedroom he passed directly to the rear of the house and entered the stable.

The curiosity of the two gossips was excited to the highest pitch. The servant told what she had one day caught a glimpse of, and it required nothing more to awaken in the Tourmente woman the desire to see so strange a spectacle. They left the shop and went in the direction the butcher had taken. Mounting on a bench, the Tourmente woman was able to pass her head through an open vent-hole. She saw the coupled pair: Basse with blood-shot eyes and contorted body, the she-ass placid and unconcerned. She drew back so abruptly that had it not been for the servant she would have fallen to the pavement of the courtyard. The two prying women reentered the shop, and when the two helpers came back they related to them what they had done.

Adrien Tourmente was very angry that his wife had seen such a scene and he did not wish to postpone another day the execution of the decision he had taken with his comrade, so without any longer caring about their jobs they went to the bailiff and made their depositions. The judge also sent for Elisabeth Coyaume and Jeanne Mondetour and made them describe what they had seen. Details were not lacking.

Charles Basse, arrested the same day, appeared before the court and made no denial of the acts of which he was accused. He even seemed astonished that his two helpers and his servant woman, whom he paid well and did not mistreat, had sought to know his private life, which should not have concerned them. If he had business with a she-ass, it was only since he was without a wife in his bed. This injured no one, since he had bought the she-ass. It ought to matter little what use he made of it, and he had never had carnal relations with the ass other than in his house or stable, sheltered from curious glances.

All these more or less plausible reasons had no effect on the judge who, merely applying to him the law punishing the crime of bestiality with death, condemned him to be hanged and strangled and his dead body thrown in the fire with that of the previously felled she-ass. His goods were confiscated to the profit of the king, with 500 livres penalty. This sentence was rendered on October 8, 1624, and confirmed by the Parliament of Paris on November 29 of the same year.

CASE OF PIERRE FONTAINE — 1651

On Thursday, December 1, 1651, Maurice Notteman, a laborer of Roche-Guyon, accompanied by Alexandre Trabonny, a handy-man, went to place in the hands of the judge a request that an inquiry be opened into the actions of Pierre Fontaine, a vine-dresser, who had bewitched a cow, and asked that the beast be examined. The judge at once sent an order to Pierre Huillier and Thomas Poncire enjoining them to examine and institute an inquiry into the unknown ill which had for some days come upon the cow.

According to the report given Monday, December 5, by the experts, the cow was extraordinarily bloated and gave worms instead of milk. It could not be suffering from an ordinary disease, but on the contrary had been wickedly and maliciously bewitched.

At the inquiry of Wednesday, December 7, further facts were specified. Thierry Dubois, a wool-carder, and George Lazauret, a plough-boy, affirmed that during the night of November 3 Pierre Fontaine had gotten into the stable of Notteman and having approached the cow gave it a blow with his fist on the forehead. The cow had at once bel-

lowed frightfully, had writhed all night, and from the next day on began to swell.

On Friday, December 9, the testimony of three new witnesses came to complicate the affair. First there was Marie Granville, widow of Robert Pillot, a traveling mercer, who declared that Pierre Fontaine had talked to her and "confessed that the Devil had given him power to do what he wished on condition that every Monday he would go into the church of Roche-Guyon and there he would deny and blaspheme the holy name of God and of the very Holy Virgin Mary, and further that he would take a vow never to marry nor to know any woman, but only a mule or ass that the said Evil Spirit had given him. Likewise, Pierre Fontaine had promised never to take holy water nor make the sign of the cross except upside down and in derision."

Then there was Lucrece Millepoix, a girl of age, who added that Fontaine "was prepared and had promised and sworn to have a sacrifice offered him in the church out of hatred and detestation of Our Saviour."

The last witness, Germain Nourrissot, a gardener, declared that Pierre Fontaine had a mule at his home which he knew carnally and with which he lived as with a woman.

Had there been no evidence other than the testimony of these witnesses, this case would probably have been handled with caution, even by the courts of that period, but in the confrontation that the accused underwent on Monday, December 12, he recognized the truth of the accusations placed against him. He made his confession without having undergone the torture, which fact legally justified the sentence rendered on Thursday, December 22. It condemned Pierre Fontaine to do public penance, to be hanged and strangled, his dead body burned like that of the previously felled animal, the ashes thrown to the winds, and his goods confiscated, with 60 livres damage and interest to the owner of the bewitched cow. On appeal the condemned was transferred to the prison of the Conciergerie of the Palais where he was newly interrogated, and the sentence was confirmed on January 30, 1652, by decree of the Parliament of Paris.

4. Cases of the 18th Century

CASE OF CHARLES — 1732

On August 20, 1732, M. Herault received this letter from the Princess of Isenghien: "Madam the Princess of Isenghien begs M. Herault to have the goodness to give an order to have arrested and conducted to Saint-Lazare the man Charles, a valet 15 years old, who is at her home and whom M. d'Isenghien brought from Arras, of whom M. le Marquis de Grimaldi spoke to him this morning."

Forthwith the Lieutenant-General of Police signed an order for Saint-Lazare, and on the memorandum sent to the Cardinal of Fleury entered: "This young man is accused of the crime of bestiality. I think that the order is just." His Eminence approved, and an order of the king was rendered on August 30.

On October 30, 1732, M. Herault received from Mgr. le Prince d'Isenghien the following letter: "I beg you, Monsieur, to have the goodness to have an order given for the release of a man named Charles from Saint-Lazare, a valet who was placed there on August 20 on the request that I had made you for it. I sincerely hope that you will do me this pleasure."

M. Herault sent a memorandum to the Comte de Maurepas with "please have the necessary order to this effect sent out," which was executed on November 3, 1732.

CASE OF FRANCOIS BORNICHE — 1735

In May, 1735, the inhabitants of the parish of Moncey-le-Neuf, near Dammartin, sent to M. Herault, Lieutenant-General of Police, a petition

in which they pointed out to him that a man named Francois Borniche, about 17 years old, had since the death of his parents fallen into an abominable libertinism. According to public rumor, he had been found in evil commerce with animals.

"As his deportment," added the complainants, "causes a frightful scandal in the parish, there is reason to fear that his infamous debauches may corrupt the young men." They ended by asking the confinement of Borniche at Bicetre.

The village of Moncey-le-Neuf was not in the jurisdiction of the Lieutenant-General of Police, who was not able to satisfy this collective request, any more than he could the one made individually by the cure of Moncey, M. l'abbe Cezier, on May 19.

A second petition, in which the cure and the Solicitor-General certified to be telling the truth, was addressed to M. de Maurepas who, on July 19, forwarded the order necessary to shut up Borniche at Bicetre. There is no record indicating at what period he left there.

5. Cases of the 19th Century

CASE OF REX vs. COZINS — 1834

(6 C. & P. 351, 25ECL469, 172 Reprint 1272)

Bestiality with an ewe. It appeared that the prisoner was interrupted by one of the witnesses calling to him, and that, on being so interrupted, he withdrew himself from the animal, he being then in a state of erection.

Park, J. (in summing up). In the former state of the law, the prisoner would have been entitled to an acquittal; but, as the law is now, if there was penetration, the capital offense is completed, although there has been no emission: however, as the proof is less than was formerly required, it behooves judges and juries to see that the proof now required is satisfactory.

Verdict -- Guilty.

CASE OF AUSMAN vs. VEAL — 1858

American Decisions, 331, 10 Indiana, 335

By Court, Perkins, J. Suit for slander. Demurrer to the complaint sustained, and judgment for the defendant.

The complaint is by Eli Ausman and his wife Mary, and charges that in a certain discourse held at, etc., to wit, on the 27th of June, 1857, concerning the chastity of the said Mary, and concerning her having had sexual connection with a dog, in presence, etc., the defendant said: "She (meaning the said Mary) is out gathering up news. She (meaning the said Mary) has run all over the neighborhood telling tales on my (meaning defendant's) family. She (meaning the said Mary) can talk as much as she pleases. Thank God if my (meaning defendant's) daughters did have bastards, they (meaning defendant's daughters) never had pups. She (meaning the said Mary)) had two pups by a haystack"—thereby meaning that she had been guilty of bestiality, or the crime against nature, etc.

The objections to the complaint are: 1. That the innuendo assigning the meaning to the words containing the charge is in the disjunctive, viz., that it was intended to charge bestiality, or the crime against nature.

We take it that there is a difference in signification between the terms "bestiality" and "the crime against nature."

Bestiality is a connection between a human being and a brute of the opposite sex. Sodomy is a connection between two human beings of the same sex—the male—named from the prevalence of the sin in Sodom.

Both may be embraced by the term "crime against nature," as felony embraces murder, larceny, etc.; though we think that term is more generally used in reference to Sodomy: Lev. xviii, 22; xx, 13; Deut. xxiii, 17; Rom. i, 27; I Cor. vi, 9; I Tim. i, 10. Buggery seems to include both sodomy and bestiality..

. . . It is said that the words charge an impossible crime and an impossible fact, and thus carry upon their face their own refutation.

. . . Whether the words in the case at bar imply an impossible fact or impute an impossible crime, we are not able to say. Whether it is physically impossible for sexual connection to take place between a dog and a woman, and whether, could such a connection take place, it is a physical impossibility that conception should follow, we are not advised. If such be the case, we do not think it is generally known to the people. They are presumed—bound, indeed—to know the law, but not philosophic or scientific facts and principles. Hence we think the injury to the plaintiff may not be affected by the truth or falsity of such facts and principles, and that this action may well lie.

The judgment is reserved, with costs. Cause remanded for further proceeding;

CASE OF REG. vs. BROWN — 1889

24 Queen's Bench Division, 357

Case state for the opinion of the court by Lord Coleridge, C. J., as follows:—

The prisoner was convicted before me upon his own confession at the last assizes for the county of Essex, on an indictment charging him with an attempt to commit unnatural offenses with domestic fowls. The depositions shewed that in all probability the offense had been habitual with him, and had resulted in the death of several of the birds, and serious injury to several others, who were found torn and bleeding apparently from the effects of the attempted penetration.

On his confession I sentenced him to 12 months' imprisonment with hard labour. Afterwards I was informed that the Court of Criminal Appeal in an unreported case had unanimously held that a duck was not an animal within 24 and 25 Vict. c. 100 s. 61.

(This magistrate then goes on to ask the Court of Criminal Appeal for an opinion as to whether his conviction should be affirmed or quashed. After much forensic fireworks has subsided, it is declared that:

"We are of opinion, first, that we have jurisdiction to entertain this case, and, secondly, that upon the facts, and clearly upon the general law, the boy was properly convicted upon his own confession of an attempt to commit an unnatural offense. It follows that the conviction must be affirmed.")

CASE OF MACK CROSS vs. THE STATE — 1884

17 Texas Court of Appeals 476 (No. 1723)

Appeal from the District Court of Milam. Tried below before the Hon. W. E. Collard.

The conviction in this case was for the offense of sodomy, committed with a mare, in Milam county, Texas, on the 10th day of May, 1884.

W. J. Fields, a State's witness, was the only person who testified at the trial. He testified, in substance, that at noon, on the day alleged in the indictment, he observed the defendant in his, witness's, stable, behind an old mare and upon her, a part of his body being bent over the rear part of the mare's body. He was making motions to and fro, against the mare. Witness did not see that the defendant succeeded in penetrating the mare with his private organ, but when he intruded upon the defendant, making a noise to arrest his attention before stepping into the stable, he found the defendant off the mare, standing on

a puncheon about 20 inches high, which stood immediately under the mare's rear. . . . The mare's private parts showed no sign of the sexual act. She was, however, an old animal and stood open, and, in any event, would hardly show such sign. Witness asked the defendant if he was not ashamed of himself, and he replied that he was. He looked frightened and mortified.

(A motion for a new trial was made, but the judgment was affirmed. Points raised in this appeal centered about alleged weaknesses and inexactness in the indictment. But it was held that "mare" could readily be considered "beast;" and to the objection that the sex of the animal was not specified, it was held that "mare" like "bitch" implied female. It was also held that while penetration, as in rape, must be proven, it must not necessarily be done so to any particular depth.)

CASE OF BRADFORD vs. THE STATE — 1893
104 Alabama Reports 68

Indictment for an attempt to commit crime against nature.
Appeal from the City Court of Anniston.
Tried before the Hon. James W. Lapsley.

The appellant in this case was tried and convicted under the following indictment: "The grand jury of said county charge that before the finding of this indictment that Wallace Bradford, against the order of nature, attempted to carnally know a certain beast, to wit, a cow, against the peace and dignity of the State of Alabama." The second count of this indictment is the same, except that the beast referred to therein is a heifer. The defendant demurred to the indictment on the grounds: (1) that it failed to allege that the crime against nature had been committed; (2) because the indictment merely charges defendant with an attempt to commit the crime; and (3) because the indictment states no facts showing that an attempt was made to commit the crime against nature. This demurrer was overruled, and the defendant duly excepted.

J. R. Hicks, a witness for the State, after testifying to facts tending to show that the defendant was guilty as charged in the indictment, and further, that he was standing at his lot gate when the defendant came out of the cow stable following the heifer, with his private parts exposed, the solicitor for the State asked the witness the following question: "If there was any conversation between you and the defendant, as to what he had been doing, just after he came out of the stable, state what the conversation was?" The defendant objected to this question "because it was irrelevant, immaterial, incompetent and illegal, and because the State had failed to show that the crime charged in the indictment had been committed." The court overruled this objection. and the defendant duly excepted. The witness then answered: "When the defendant came out of the stable, I showed him, and asked him what he had been doing, and he said, 'Well, you have caught up with me'." The defendant moved to exclude this testimony from the jury, which motion the court overruled, and the defendant duly excepted.

After the return of the verdict of guilty by the jury, the defendant moved the court to set aside said verdict on the ground, among others, that the jury did not deliver their said verdict to the clerk of the court; but to some person who was not authorized by law to receive the said verdict. The court overruled this motion, and the defendant duly excepted.

(Objection was made to the use of the defendant's "confessions" to prove his guilt, but there seemed to have been sufficient independent proof of *corpus delicti* to render them admissible. However, for the error in delivering the verdict, the judgment was reversed and the cause remanded.)

6. Cases of the 20th Century

CASE OF LANGFORD vs. THE STATE — 1905
89 Southwestern Reporter, 830
(Court of Criminal Appeals of Texas)

Henderson, J. Appellant was convicted of sodomy, and his punishment assessed at five years confinement in the penitentiary; hence this appeal.

Appellant questioned the indictment, on the ground that it did not definitely indicate the character of animal or beast with which the appellant is alleged to have copulated. The allegation is a "sow." Webster defines a sow as the female of the hog or swine. We believe the indictment is good.

The material question is as to the sufficiency of the evidence to sustain the conviction. Three witnesses testify for the state as to what they saw of the transaction. Each testify that they saw appellant with his pants unbuttoned . . . . When appellant would begin his motions, the sow would move up, and he would scratch her sides, and she would stop. Neither of said witnesses was willing to swear as to the rem in re; that is, they stated they could not testify that he got . . . . into the parts of the sow. Is this evidence sufficient? The jury, by their verdict, said it was; that is, their verdict rendered certain that which the witnesses left uncertain. If the organ of the sow was adapted to the organ of the man, as the part of a woman, the presumption under the circumstances might hold good, and we might have a case of circumstantial evidence; but, considering the want of the adaptability, we do not believe the circumstances here show a case of copulation. We do not believe the jury was authorized by their verdict to be more certain than the testimony of the witnesses on which they predicate their finding.

Because of the insufficiency of the testimony, the judgment is reversed, and the cause remanded.

CASE OF THE STATE vs. WILSON — 1927
300 Southwestern Reporter, 710
(Supreme Court of Missouri, Division No. 2. No. 28254)

Higbee, C. In the circuit court of Reynolds county the appellant was charged with having carnal intercourse with a mare on or about February 20, 1926. He was tried and found guilty as charged by the information, and sentenced to the penitentiary for a term of two years, in accordance with the verdict, and appealed.

The information is based on section 3512, R. S. 1919. Two young women, aged 17 and 20 years respectively, testified substantially, as the evidence is summarized in appellant's statement, that they lived about two miles from Centerville, the county seat of Reynolds county; that on February 20, 1926, they were at the barn, and about three feet from the defendant, and saw him have intercourse with the mare. They saw his private parts, and, when he saw the young women, he jumped down and ran out of the barn. They had gone to the barn to hunt eggs, and were in the shed annexed to the barn, and looking through the window in one side of the barn. The appellant and the mare were in the barn, and the barn door was closed. The defendant and the rear end of the mare were at, and just inside, the window. . . . .

The defendant testified that he was 72 years of age; that 14 years before the trial he had suffered a physical injury, and that ever since the injury he had never been able to have sexual intercourse, and that he did not have sexual intercourse with a mare. A physician testified that he had found some gland trouble, and he did not think the defendant would be able to perform sexual intercourse; that, as long as the glands are there, he might be able to do so to a certain extent.

The first insistence in the appellant's brief is that there is no evi-

dence in the record to show that the offense was committed, if committed at all, in Reynolds county.

The witnesses for the state testified that they lived two miles from Centerville, and that the offense was committed in the barn where they were hunting eggs. The case seems to have been tried on the theory that there was no question about the venue. The court instructed the jury that, "if you believe and find from the evidence in this case that the defendant, B. F. Wilson, at and in the county of Reynolds and state of Missouri," etc. No exception was saved to any of the instructions in the motion for new trial.

(It was decided that the court could judicially notice that a point two miles from a town within the county was within the county. Also, counsel argued improbability of the act of copulation in view of the defendant's age and impaired physical condition, but the testimony of the two eye-witnesses for the state left no room for doubt that the question of the defendant's guilt or innoncence was solely one of fact for the jury. The judgment of guilty was affirmed.)

NOTES AND COMMENTS

By E. Haldeman-Julius

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THE PRIEST BURGLAR OF LAON

Concrete pictures of medieval life, drawn by contemporary and pious artists of the time, are obviously worth much more than flowing modern assurances of the virtue and docility of those times, so we gave one of life in the leading French city of Loan at the beginning of the 12th century, just when the citizens began to build their beautiful new cathedral. The historical weakness of such pictures of short periods or of individuals is that the man who does not like them can say that they may or may not be true of a small locality or at a particular time but he prefers broad general characterizations of a nation or an age, such as he finds, with great comfort, in Catholic writers and professors who prudently decline to disfigure their books with facts that may be offensive to some readers. Is it not always possible that a legion of devils or a brood of malevolent bacilli settled for a time in a town before the church could get its sanitary agencies (holy water, etc.) and anti-aircraft guns (anathema, etc.) into action? So we will glance at the next chapter in the contemporary autobiography of the good Abbot Guibert and see how life went on round the new cathedral.

In extenuation of the misdeeds of Canon Anselm Beess which he next describes we may premise that robbery was, with cathedral-building one of the chief industries of the time in the city of Loan; in fact, not to put too fine a point on the matter, in the whole of France and Europe. It was the only trade considered fitting for the nobles and the clergy. The queen of England gave Waldric, Bishop of Loan, a costly piece of gold cloth to present to the queen of France. After a time she heard that the bishop—who by the way, was expert at clipping the coin in circulation—had appropriated it to make a vestment for himself, and she came to Loan and, in a queenly way—even these fine ladies then used florid language—asked him about it. "Madam," he said, pointing to a statue of the Virgin Mary, "I gave it to the queen—the Queen of Heaven." However, the townsfolk, as we saw, liquidated the wicked bishop, elected a better one, and raised their noble pile. They had collected all over France and England for it and had got a rich store of relics in jewelled cases and altar stuff.

A committee of citizens and clergy, headed by Canon Anselm, had charge of the treasury, and in the course of time valuables began to disappear from it. The Virgin herself appeared to the bishop and warned him. But she forgot to tell him the name of the thief, and the whole cumbrous machinery of that age of law and order had to be set in motion. They discovered the "fence," a goldsmith, and he, not liking the look of the boiling oil, etc., with which they proposed to persuade him to speak, denounced the canon. The people were amazed at his impudence, for the canon was reputed to be a man of particularly holy life, and when he, in the usual way, challenged his accuser to a duel, a great crowd gathered before the cathedral after mass on Sunday morning for the "verdict of God." The nimble priest ran his accuser through the body, to the joy of the citizens, but the bishop and the archdeacon

still had their doubts. Anselm was a mere son of the people, and the archdeacon replaced the canon as guardian of the treasures. So Anselm "inflated with success," says the abbot, decided to turn burglar. The treasures were kept in a strong, lofty tower, which was the local safety deposit, but one dark night, when the high wind blew out the few lanterns that there were in the streets, the good canon took his tools and his ladder, cracked the crib, and came away with a sackful of rich treasures, which he hid in a vineyard outside the town.

When the rattles of the watchmen and the peal of the church bells called the citizens to the cathedral square next morning Anselm shared the general consternation. The chief had actually stolen the precious dove, of gold and crystal, in which they kept, visible to all, some of the hair and milk of the Virgin Mary, and now the citizens of the neighboring city of Soissons, who had one of the milk-teeth of the infant Jesus, would crow over them. Chartres cathedral had merely the Virgin's nightdress or pajamas (still venerated there but now called a "veil"). The great scholar Anselm of Laon was called in, and he remembered that there was a case something like it in *Joshua*, and the correct procedure was indicated. Let them take a baby from each parish, he said, then from each house in the parish, and try it by ordeal in a great tank of holy water. The citizen fathers of families proposed and carried the amendment that it would be more economical to begin with the seven canons of the cathedral chapter.

The tank was set up in the cathedral and after mass the bishop blessed it and the clergy sank on their knees. The hands of the canons were tied, and one by one they were pushed into the tank; and they promptly sank to the bottom, which proved that they were innocent, until the turn of Anselm came. In spite of the fact that, the chronicler says, he had secretly practiced the ceremony of sinking for a few days he floated on the surface. The bishop invited him to confess, but he protested that he was innocent. "May I be hanged like Judus if I did it," he said. So he was "put to the question," for which they had at that time 14 ingenious methods, of which boiling oil was one of the lighter.

They laid the canon, nude, on the floor and poured boiling oil on him. When this elicited only "an infinite torrent of curses," the abbot says, they hanged him up by his arms: probably with a heavy weight or a strong man pulling at his feet. When he was taken down he was refreshed with more boiling oil, then hanged again, then more oil. . . . In short, the treatment was repeated 10 times, and by the evening the priest-burglar seems to have become bored by the monotony, for he offered to tell where the treasure was for a paltry 500 pounds of gold and a pardon. The bishop beat him down to 40, and when Anselm had stipulated that he must be taken 10 miles from the city before he told, the procession set out. It was now night but they brought out all the lamps and torches in the city, and the citizens, the bishop and chapter at the head, marched out. At the 10-mile limit Anselm produced a single gold plate, and demanded his reward and laughed at them. However a few more miracles and a little more boiling oil gradually recovered the treasures, and the priest-burglar was "sent to his fathers, the devils," the pious Abbot Guibert tells us.

* * *

RABBI GOLDENSON AND THE ATOMIC ERA

One isn't being anti-Semitic in asserting that a rabbi is often just as ridiculous as a Protestant minister or Catholic priest in discussing problems of an atomic age. His job depends just as much on the maintenance of obscurantism. Here's Dr. Samuel H. Goldenson, preaching a Yom Kippur sermon in the Temple Emanu-el, Fifth Avenue, New York, for example. "If the idea of one world is to have any social and moral value," declared Goldenson, "we must adduce higher and nobler argu-

ments for it than those that rest upon the new mechanisms by which we span the earth's surface." How far would that "one world" idea have gotten today but for five atom-bomb explosions? Would people who have now acquired that "idea" have been impressed with the necessity of "one world" government by the deductions which a Duke University professor had made on the acceleration of that situation by the airplane? How far did man advance toward that idea because of the adjurations of moralists and religionists since the time of Confucius and Buddha?

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